

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed June 2, 2006. In order to advance prosecution of this Application, Claims 1, 14, 16, 20, and 26 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1, 3-7, 9-12, 14, 15, and 20-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Keller-Tuberg. Independent Claims 1 and 20 recite in general an ability to aggregate ingress traffic streams into a single combined traffic stream without regard to any path or destination of any packet from any ingress traffic stream. By contrast, the Keller-Tuberg patent merely discloses multiplexing traffic from a large number of subscribers into a smaller number of ATM flows. (See col. 2, lines 43-45, of the Keller-Tuberg patent. In addition, the Keller-Tuberg patent discloses multiplexing ATM cells based on the ISP destination or VP/VC identifier for each ATM cell. (See FIGURE 2, multiplexing table, and col. 5, line 66, to col. 6, line 5, of the Keller-Tuberg patent). Thus, not only does the Keller-Tuberg patent fail to disclose multiplexing a plurality of ingress traffic streams into a single combined traffic stream as required by the claimed invention, the Keller-Tuberg patent also fails to perform its multiplexing without regard to any path or destination of any packet from any ingress stream as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 1, 3-7, 9-12, 14, 15, and 20 are not anticipated by the Keller-Tuberg patent.

Claims 13, 26-33, 35-38, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller-Tuberg. Independent Claim 1, from which Claim 13 depends has been shown above to be patentably distinct from the Keller-Tuberg

patent. Independent Claim 26 has similar limitations shown above to be patentably distinct from the Keller-Tuberg patent. Therefore, Applicant respectfully submits that Claims 13, 26-33, 35-38, and 40 are patentably distinct from the Keller-Tuberg patent.

Claims 16, 18, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller-Tuberg in view of Nagami, et al. Independent Claim 16 has similar limitations shown above to be patentably distinct from the Keller-Tuberg patent. Moreover, the Nagami, et al. patent does not include any additional disclosure combinable with the Keller-Tuberg patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 16, 18, and 19 are patentably distinct from the proposed Keller-Tuberg - Nagami, et al. combination.

Applicant respectfully requests a one month extension of time for filing this Response to Examiner's Action. Attached herewith is a Notification of Extension of Time in support therewith.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees and credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', with a stylized flourish at the end.

Charles S. Fish

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